

## THE KING'S PEACE\*

Nothing about Xenophon's *Hellenica*<sup>1</sup> is more outrageous than his treatment of the relations of Persia and the Greeks. It was orthodoxy in the circle of Agesilaus that Theban medizing, *barbarismos*, had sabotaged the plans for a glorious *anabasis* (IV. ii. 3, V. ii. 35, III. v. 1 f.) and recalled him to the defence of his city (by the very route, ironically, taken by King Xerxes in 480 – IV. ii. 8 – the would-be avenger in the footsteps of the would-be enslaver). Not until the Thebans woo and win the fickle favour of the King (VII. i. 33 ff.), does anything like detail emerge. In the regrettable interlude, the less said the better. If the third speech of Andocides had not survived, there would have been some tangled theorizing about a note in Didymus (*FGrH* 328 F 149), especially as regards 'the ambassadors who in Sparta consented', but sober historical judgement would never have transgressed so far from the text of Xenophon as to postulate a Peace Congress in Sparta as well as in Sardis in 392. Likewise, the merest chance of epigraphic survival assures us that the oaths, which the 'Athenians and the Spartans and the other Greeks' swore in 387/6, 'the King swore' (*G.H.I.* 118 lines 10 f.) – and so on. If we did not have the reflection of Ephorus in Diodorus, albeit a mirror cracked and blemished, we would be sadly astray in 375 and 371. When, however, the despicable Thebans become the King's favoured power, disgraceful scenes unfold. 'Pelopidas very much had things his own way with the Persian; he could say that the Thebans alone of the Greeks had fought on the King's side at Plataea, that they had never afterwards campaigned against him, that the Spartans were at war with them because they would not join Agesilaus... etc.' (VII. i. 34). A Persian is found at Thebes reading out the contents of a Royal Rescript, after displaying the Royal seal (*ibid.* §39); at Sparta twenty years before, such details had been left to the imagination.

The cause of Xenophon's method in this matter is not for the moment under discussion, but rather the consequence, viz. our uncertainty about what precisely the King's Peace said. There was a document, inscribed on stone pillars and displayed in the national shrines (Isoc. IV. 180, XII. 107). If ever a copy turns up, what can we expect to find? The measure of our uncertainty was provided by Wilcken, who produced a curious hypothesis which found little sympathy;<sup>2</sup> that he could do so shows the state of the evidence. Some effort of the imagination is needed, and those who gravely disapprove of conjectures of what might have been the case need read no further. At the end one can be sure of very little. Conjectures, however, have been uttered, *en passant*, elsewhere. What may prove to be a chorus of disdain has begun.<sup>3</sup> A formal confession may be welcome.

There certainly were terms about which the representatives of the cities might debate and differ. Thanks to Xenophon, the full procedure on each occasion is unclear, but the events of 392/1, for which we do not depend entirely on Xenophon, are

\* I wish to thank Professor Andrewes for his helpful criticisms of an earlier draft of this paper.

<sup>1</sup> All unexplained numerical references in this paper are to the *Hellenica*.

<sup>2</sup> U. Wilcken, 'Über Entstehung und Zweck des Königsfriedens', *Abhandl. der Preuss. Akad.* (Phil.-hist. Klasse) (1941), no. 15. Cf. V. Martin, 'Sur une interprétation nouvelle de la "Paix du Roi"', *MH* 6 (1949), 127–39.

<sup>3</sup> D. M. Lewis, *Sparta and Persia*, p. 147 n. 80, and R. K. Sinclair, 'The King's Peace and the Employment of Military and Naval Forces 387–378', *Chiron* 8 (1978), 29–54, both in reference to 'The Foundation of the Second Athenian Confederacy', *CQ* N.S. 23 (1973), 47–60.

illuminating. After the failure of Tiribazus at Sardis (IV. viii. 12–15), the King ‘sent down’ another Rescript which was discussed in a conference at Sparta (Philoch. F 149); there may be allusion to this Rescript in Andocides’ speech *De pace*, where he mentions (§15) the King’s refusal to consent to Athens recovering her colonies and cleruchies, but certainly the concession of Athens’ claim to Lemnos, Imbros and Scyros (§§ 12, 14) must have been made subsequently to the conference in Sardis, where the Athenians had protested on this very point (IV. viii. 15). After hearing the Rescript, the terms of the peace, the *συνθήκαι*, were discussed and tentatively agreed on, and then taken back by the representatives to their individual cities; a further conference was then to be held in forty days’ time at which the peace was to be sealed with oaths. All this emerges from Andocides’ speech, which formed part of the debate on a precisely drafted text (cf. § 14 *διαρρήδην γέγραπται*, §§ 33 and 40 for the forty days, § 34 for the oaths). This at least provokes thought. If the terms had been simply a statement of what the Rescript required, there would have been no need for discussion at Sparta; they could have been communicated directly to the cities for acceptance or rejection. Instead, Athenian ambassadors were sent with full powers to negotiate (§ 33 *αὐτοκράτορες*), and they were subsequently prosecuted for having assented to too much in the drafting of the terms (Philoch. loc. cit.).<sup>4</sup> The whole story is suggestive of some complexity in the terms. At any rate it is clear that terms were negotiated.

For 387/6 the position is as obscure as only Xenophon could make it. He does not even make explicit that the oath-swearing was at Sparta, and it is open to conjecture whether the cities’ representatives merely reported to their cities what the Rescript contained and then reassembled at Sparta, empowered to negotiate and swear to a formal peace, or whether at Sardis the full document was drafted for the cities to approve and the conference at Sparta was merely concerned with oath-swearing.<sup>5</sup> Perhaps the former is more likely, if we may trust the statement attributed to Callias in 372/1 (VI. iii. 4); on both his previous visits to Sparta in connection with the ending of war (*περὶ πολέμου καταλύσεως*)<sup>6</sup> he had ‘brought about peace’

<sup>4</sup> Ambassadors could be ‘fully empowered’ *αὐτοκράτορες*, but only within limits, stated or understood. Presumably this is what is behind Thuc. 5. 45; there were things which the Spartan ambassadors could negotiate and things which they could not or dare not, or which they were persuaded by Alcibiades to say that they could not or dare not. So too perhaps in 392 the ambassadors to Sparta dared not ‘sign away’ the cities of Asia on their own authority. In §§ 33 and 34 Andocides may either have been claiming a virtue the ambassadors did not possess – for there were many cities involved and others’ ambassadors may have insisted on the reference of the peace terms – or have been pretending that they had powers which they did not (cf. Andrewes *ad* Thuc. 5. 45. 2).

<sup>5</sup> There is a difficulty about Xenophon’s account of the swearing of the King’s Peace (V. i. 32). The Thebans knew perfectly well what the autonomy clause delineated at Sardis was and could swear cheerfully provided they swore as ‘Boeotians’, but Agesilaus refuses to accept their oaths, ‘unless they swear, *ὥσπερ τὰ βασιλέως γράμματα ἔλεγεν, αὐτονόμους εἶναι καὶ μικρὰν καὶ μεγάλην πόλιν*’. The Theban ambassadors declared that ‘these were not their instructions’. What went wrong for the Thebans in 387/6 was not what they were required to swear but in what capacity; they cannot have not been told to swear to a Peace with the autonomy clause; they were not prepared for Agesilaus saying they must swear as ‘Thebans’ not as ‘Boeotians’. The resolution of the difficulty is, I suggest, that *αὐτονόμους εἶναι καὶ μικρὰν καὶ μεγάλην πόλιν* is the object not of *ὀμνύωσιν*, but of *ἔλεγεν*, which may seem awkward linguistically but is nothing like as awkward to my mind as the notion that the Thebans were declining to swear to the autonomy clause. So one should understand Xenophon to mean ‘Agesilaus refused to accept the oaths unless they swore (large and small cities separately) just as the Royal Rescript required that each city, large and small alike, should be autonomous’.

Similarly at VI. iii. 19 I take *ὄν* to be the subject of *ᾧμοσαν* and of *ἀπεγράψαντο* – ‘he would change no name of those who first swore and enrolled themselves’. Again the point was not what the Thebans swore, but in what capacity.

<sup>6</sup> cf. *CQ* N.S. 26 (1976), 276 n. 25.

(διεπραξάμην . . . εἰρήνην), which is a phrase hardly suitable for mere oath-swearing.<sup>7</sup> For 375, Xenophon's six words (VI. ii. 1) do not allow any speculation whatsoever about what happened when the Royal Rescript was received (Philoch. F151). If the peace of 372/1 was a simple reaffirmation of the peace of 375, a single conference at which both the Rescript was heard and the peace was sworn may have sufficed, but in 367 when Thebes sought to force through such a procedure, the cities' representatives jibbed, declaring that they had come to Thebes to hear the Royal Rescript, not to swear to a peace (VII. i. 39). When in 366 the Peace of Thebes was concluded, the precise terms were settled and sworn to at, it would seem, the one conference (VII. iv. 10), but where we have to rely on Xenophon great uncertainty is inevitable. Fortunately the survival of Andocides' *De pace* lifts the veil. Terms were negotiated and formulated in 392/1 and in subsequent peaces, whether procedure was compressed or not, similar debates and formulations occurred probably enough.<sup>8</sup>

None of this, however, helps to answer the question of what precisely was on the stone pillars recording the King's Peace. One thing seems sure enough. It cannot have been merely the words of the Royal Rescript, which did not in themselves constitute a peace, nor indicate anything about duration, nor discuss how disputes between signatories were to be settled, having confined itself to the question of what would happen to those who did not join (ὁπότεροι ταύτην τὴν εἰρήνην μὴ δέχονται . . .).<sup>9</sup> Further in addition to the text, whatever it was, a list of participants seems very likely. When in 372/1 the Thebans had been 'enrolled amongst the cities which had sworn' and sought to have the entry on the list changed to 'Boeotians' (VI. iii. 19), a state of affairs similar to that of 387/6 seems to be implied when the status of the oath-swearers was at issue (V. 1. 32); whether they swore as Thebans or Boeotians, it would have been the same persons who swore, and it was essential that their status be spelled out on the record of the peace to prevent cavil and debate in the future. It may be presumed that the procedure of the Second Athenian Confederacy as seen on the record of the Decree of Aristotle (*G.H.I.* 123) was much the same as that of 387/6, and if a list of cities participating was made, presumably provision for making the list would have been included in the terms of the Peace. Similarly, one would expect that the method of administering the oaths would be prescribed, as was normal with Greek treaties, and that the role of the Spartan king attested both for 387/6 and for 372/1 was in accordance with procedure laid down in the terms of the Peace.

But what were the main clauses? Were they simply what is found in Xenophon's version of the Rescript? There is reason to suppose that that was not literally the case. In the *Panathenaicus* (§107) Isocrates professes to quote from the treaty the phrase 'to treat as he (i.e. the King) wishes' (διαρρήδην γράψαντες χρῆσθαι τοῦθ' ὃ τι ἂν αὐτὸς βούληται), a phrase which is reminiscent of Thucydides' version of the third treaty of 411 (VIII. 58.2 καὶ περὶ τῆς χώρας τῆς ἑαυτοῦ βουλευέτω βασιλεὺς ὅπως βούλεται) and which may be echoed in a speech of 352/1 (Dem. XXIII. 140). Again,

<sup>7</sup> V. Martin, 'Le traitement de l'histoire diplomatique dans la tradition littéraire du IV<sup>e</sup> siècle avant J-C', *MH* 1 (1944), 23, took it that the Peace was fully drawn up in Susa by the King in collaboration with Antalcidas. His reason was that he supposed that ταύτην τὴν εἰρήνην in the Rescript (V. i. 31) must refer to something outside the Rescript and he supposed it to be 'the peace which the King sends down' (§30). I believe this is erroneous. By 'this peace' in the Rescript, Artaxerxes meant a peace on the basis of the two principles enunciated in the first two sentences of the Rescript.

<sup>8</sup> The celebrated wrangle between Agesilaus and Epaminondas in 372/1 (Plut. *Ages.* 26) could have been part of the debate on precise terms.

<sup>9</sup> D. M. Lewis, op. cit. p. 147, takes ὁπότεροι to refer to the two sides in the Corinthian War. Martin, art. cit. in n. 7 p. 22 n. 14, less probably refers it to the two groups, island and mainland cities.

it is not impossible that Philochorus (F 149) quoted from the terms proposed for the abortive peace of 392/1 the clause which the Athenians objected to, τοὺς τὴν Ἀσίαν οἰκοῦντας Ἑλλήνας ἐν βασιλείῳ οἰκῶντας εἶναι συννενημένους. There are instances of this use of the word οἶκος in Herodotus, and it occurs in the letter which Thucydides would have it thought Themistocles sent to Xerxes – Θεμιστοκλῆς ἦκω παρὰ σέ, ὃς κακὰ μὲν πλείστα Ἑλλήνων εἶργασμαι τὸν ὑμέτερον οἶκον (I. 137. 4). So Philochorus' phrase seems to be in accordance with Persian usage, and it is not easy to imagine whence he got it if not from the text of the treaty proposed in 392/1.<sup>10</sup> If so, it may well have been repeated in 387/6, but of course it is just possible that the clause may have come from the Rescript and not from the peace terms. Whatever the truth about that, the Isocrates passage suffices to show that the text of the peace was not literally that of the Rescript as we find it in Xenophon,<sup>11</sup> and that the King's right to the Greek cities of Asia was more fully prescribed than we could tell from Xenophon alone.

What then of the clause concerning the autonomy of the cities of Greece? Did it require 'autonomy' *tout simple*? or was 'autonomy' defined more fully? Views have differed,<sup>12</sup> but I much incline to the latter view. Certainly by 366/5 autonomy was more fully defined. In the Peace of Thebes the principal condition is stated by Xenophon (VII. iv. 10) to have been that each party to the peace should 'hold its own territory' (ἔχειν τὴν ἑαυτῶν ἐκάστους). The peace was a Common Peace,<sup>13</sup> and doubtless contained an autonomy clause, but Xenophon chooses this version to point up the irony of what followed; the Phliasians complied and the Argives did not, which no doubt showed in his view the hollowness of the grounds for denying the Spartan claim to Messenia. That he did not previously allude to such a definition of autonomy is no proof that it was not so defined in the King's Peace. In a celebrated and curious passage Isocrates (VIII. 16) demanded in 355 the restoration of 'the treaty which was made with the King and the Spartans and which enjoined that the Greeks should be autonomous, that the garrisons depart from the cities to which they did not belong, and that each state should have its own territory' (καὶ τὴν αὐτῶν ἔχειν ἐκάστους). In view of the vehemence of his attack on the King's Peace in the *Panegyric*, he can hardly be supposed to have been demanding the restoration of that peace exactly as it had been in 387/6. It is much more likely that he is thinking of the Peace of 375, which was the triumph of his friend Timotheus (cf. XV. 109 f.). But that triumph lay in the recognition of Athens' recovery as reflected in the sharing of the hegemony, and it is not excluded that the autonomy clause Isocrates describes was that of the King's Peace as well. Indeed, if he had thought that the clauses to which he alludes were peculiar to the renewal of the Peace in 375, one would expect him to have made

<sup>10</sup> Lewis, *op. cit.* p. 146 n. 68 finds the phrase 'tantalising in the extreme'. 'It is alien to Greek diplomatic language, but I cannot translate it into Aramaic. Prolonged contemplation of Greek and Persian passages about "the King's house" leave me still in doubt about the full implications.' So I must fear (yet again) his disfavour. But at Hdt. 5. 31. 4 and 6. 9. 3, 'the King's house' seems to be a phrase roughly equivalent to 'the Persian Empire', and at 4. 97. 6 'my house' appears to mean 'in my empire', rather than 'home in Susa' or the like; other challenging passages are 7. 194. 2, 8. 102. 3, 9. 107. 1. Why is the phrase so frequent in Persian talk in Herodotus? So too in the letter in Thucydides. Themistocles had not damaged the royal house so much as the whole power of Persia, and presumably the phrase was used by Thucydides because he knew it would sound authentic. It is true that the uses of *viθ-* in the Old Persian inscriptions (cf. R. G. Kent, *Old Persian Grammar*, p. 208) do not advance the case. Perhaps Biblical uses of 'house' could be used for support.

<sup>11</sup> Xenophon professes to quote – εἴχε δὲ ᾧδε (V. i. 30).

<sup>12</sup> Martin *art. cit.* in n. 7, p. 26; T. T. B. Ryder, *Koine Eirene*, pp. 122 f.

<sup>13</sup> To follow the view argued in *CQ* N.S. 11 (1961), 80–6.

himself clear. That the Peaces of 387/6 and 375 did substantially overlap, seems to emerge from Didymus' comment on the Peace of 375 that it was 'similar' to the Peace of Antalcidas (Philoch. F. 151... ὅτι παραπλήσιον αὐτὴν τῇ τοῦ Λάκωνος Ἀνταλκίδου προσήκοντο). So it seems reasonable to relate to the King's Peace itself what Isocrates says, and there is confirmation in the *Panegyric* (§177 f.). There he complains that the King's Peace lacks consistency; those who negotiated the Peace should have applied to all parties one of the three possible formulae<sup>14</sup> – viz. keeping one's own territory, keeping what one has captured by force, or keeping what one happens to hold at the moment of making peace; in fact they had applied the second to the King, leaving him the cities of Asia over which Persian empire had been but recently extended and which were by foundation Athenian, and 'apportioned no position of honour' (οὐδεμίαν τιμὴν ἀπένειμαν) to Athens or Sparta – i.e. Athens and Sparta were obliged by the principle of 'keeping one's own'. One may therefore dare to assert that the clause about autonomy in 387/6 was spelled out in at least this detail.

But what of the rest of Isocrates' statement, 'that the garrisons depart from the cities to which they do not belong' (VIII. 16 – τὰς φρουρὰς ἐκ τῶν ἀλλοτρίων πόλεων ἐξίεναι)? Was that too part of the definition of autonomy in the King's Peace? Certainly in 372/1 there was a clause concerning the withdrawal of harmosts from the cities (VI. iii. 18), and, since harmosts would normally have had troops at their disposal, no doubt freedom from garrisons was also explicitly guaranteed. In fact, the notice of Diodorus of the Peace of 375 (XV. 38. 1 f.), which is probably to be related to the Peace of 372/1, speaks of 'autonomy and freedom from garrisons' (πάσας τὰς πόλεις αὐτονόμους καὶ ἀφρουρήτους εἶναι). Was this clause an innovation in 372/1 (or in 375) or does it go back to 387/6? There is one curiosity about it. Diodorus added to his record of the substance of the Peace a statement about the appointment of special officials to supervise the withdrawal of garrisons (ἐξαγωγεῖς), and they may be the innovation of the 370s, not the clause about garrisons itself. Some of the argument of the previous paragraph is relevant here too – viz. that Isocrates' failure to make clear which peace he was alluding to and Didymus' idea of the similarity of the two peaces argue for the clauses referred to by Isocrates being common to both. Nor do the arguments advanced against the hypothesis of a statement about garrisons in 387/6 have much force. The definition of freedom and autonomy given by Aristotle in his decree of 377 (lines 20–3) was suited to memories of Athenian imperialism and had to be made explicit in the invitation to membership; earlier (lines 10 ff.), 'free and autonomous' sufficed, save that, as was appropriate in a decree renouncing claims on foreign possessions, he added 'having all their land securely' (τῇ[ν χώραν] ἔχοντας ἐμβεβαίωι τῇ[ν ἐαυτῶν πᾶσαν...]).<sup>15</sup> Similarly, in the Chios decree (*G.H.I.* 118 lines 20 ff.) the proposer confined himself to the formulation 'on the basis of freedom and autonomy' followed by a general reference to the clauses of the King's Peace. If 'autonomy' was as fully defined in the Peace as to include a statement about garrisons, the words of these decrees are easily explained. Of course, no decision is possible in such a matter. It would not be surprising if a statement about garrisons were included at the end of a war in which the Greek world had seen both sides maintaining large garrisons (cf. V. i. 29, 34), and it is to be noted that in the Ephoran version of Diodorus (XV. 5. 1) in accordance with the King's Peace 'all the cities rid themselves of the garrisons and got by agreement (καθ' ὁμολογίαν) their autonomy'. The autonomy

<sup>14</sup> cf. Thuc. 3. 52. 2.

<sup>15</sup> Martin art. cit. p. 26 supported his case with Justin's description of the peace (VI. 6. 1), and he was probably right in suggesting that the phrase τῇ[ν ἐαυτῶν] ἔχοντες (Andoc. III. 19) was in the draft of the Peace in 392.

clause may, therefore, have involved a guarantee about garrisons, and it cannot be safely asserted that it did not.

These matters are not serious, and I have only laboured them because they raise the possibility that there was a great deal more to the terms than Xenophon makes plain. It is time to turn to more contentious and more important issues.

In the Peace of 372/1 a clause cited by Xenophon (VI. iii. 18) concerned the dissolution of armaments (τὰ στρατόπεδα διαλύειν καὶ τὰ ναυτικά καὶ τὰ πεζικά). It was this clause which occasioned the debate in the Spartan assembly shortly afterwards as to whether Cleombrotus and his army should be brought home to Sparta before Sparta set about dealing with the Thebans who had abstained from the Peace (VI. iv. 2), and so Xenophon chose to record it. But was it an innovation? It may, of course, have been in the Peace of 375 if the right explanation of the confusion of Diodorus (XV. 38) is that the Peace of 372/1 was substantially the same as that of 375. (It is also possible that Diodorus' muddle in XV. 38 begins at §3 and that §2 faithfully represents what he found in Ephorus concerning the Peace of 375.) But what of 387/6? On that occasion Xenophon noted that the consequence of the Peace was the dissolution of armaments (V. i. 35). According to Sinclair,<sup>16</sup> there was an 'essential difference between demobilisation as a practical or implied consequence of making peace and a specific demobilisation clause in a treaty', and he considers that experience of events after the Peace of 375 made it desirable to have a specific demobilization clause in 372/1. What was so peculiar after the Peace of 375 he does not specify. According to Xenophon, two of the Athenian ambassadors at Sparta went straight from the peace conference to order Timotheus and his navy home (VI. ii. 2). As to the Spartan army in Phocis in 375, it is true that Xenophon neither recounts its return nor, if it did return, describes how Cleombrotus came to be in Phocis in 371, but it is to me, as to others,<sup>17</sup> incredible that two-thirds of the Spartan army and a proportion of the forces of the Peloponnesian League (VI. i. 1) should have stayed out through the period of peace; if it went, it must have been recalled, another of those matters Xenophon omitted to mention. If, as seems more likely, Xenophon has misplaced the despatch of Cleombrotus, there was still too large a Spartan force out in 375 (Plut. *Pel.* XVII) to be left there during the peace. So it is not clear that 'a specific demobilisation clause' was needed in 372/1 when it had not been earlier. But the real question is this. Why did Xenophon make the comment about the King's Peace (V. i. 35)? If the dissolution of armaments was just the practical consequence of the Peace, why does he mention it at all? In the following sentence he says 'this was the first peace to be made after...'. Why did he also have to say that armaments were dissolved? I continue to suspect that the right explanation is that there was indeed a 'specific demobilisation clause' in the King's Peace, and that is the point of Isocrates' complaint (IV. 115) that since the King's Peace 'pirates are in control of the sea, peltasts seize the cities'.

But what precisely did it say? Armies, if not navies, can be almost as quickly reassembled as dissolved. One pointer I found in the mystery of the Piraeus Gates,<sup>18</sup> but it has not found favour with Sinclair, who believes that the right explanation is simply that the gates were not installed during the Corinthian War.<sup>19</sup> I find this

<sup>16</sup> art. cit. in n. 3, p. 36.

<sup>17</sup> For the variety of opinions, see Accame, *La lega ateniese*, pp. 92 ff. Accame, like Beloch, *GG* iii. 1<sup>2</sup>, 156 n. 1, held that Xenophon's notice of the despatch of Cleombrotus (VI. i. 1) was misplaced by Xenophon.

<sup>18</sup> *CQ* N.S. 23 (1973), 54.

<sup>19</sup> art. cit. pp. 31 ff.

astonishing. The Athenians began the rebuilding in 394.<sup>20</sup> Eight years later the walls are complete, for we hear no word to the contrary. But, despite the alarms of Teleutias' raid on the Piraeus and the expectation of trouble from forces based on Aegina (V. i. 1 f. and 18 ff.), the Athenians did not, we are asked to believe, put the finishing touch on the work and relieve the nightly watch of the guard. My explanation may be wrong. Sinclair's is to me wildly improbable. It must again be pointed out that it was not the raid of Sphodrias that moved the Athenians to action, but the acquittal (V. iv. 34). Why the delay? Why indeed from the moment that Athens went to the assistance of the liberators of Thebes in mid-winter 379/8 did Athens not fear for her security? After all, Phoebidas had shown what could be expected. Yet nothing was done until word came that Sphodrias had been acquitted. Such indifference and negligence on the part of the Athenians, as Sinclair's explanation postulates, would be inexplicable.

My explanation<sup>21</sup> is that a clause of the Peace required it, and I continue to find support for this in the correspondence between the accounts of Xenophon (V. iv. 34) and of Diodorus (XV. 29. 7); what Xenophon reports concretely, Diodorus recounts formally. For me the Athenian decision, which in Xenophon set the Athenians busy with putting gates on the Piraeus, building ships, and giving military aid to the Boeotians, and which in Diodorus is reported as a formal decision that the peace had been broken by the Spartans (*λελύσθαι τὰς σπονδὰς ὑπὸ Λακεδαιμονίων*), is tantamount to a declaration that the King's Peace was ended. The decision was not, as in the proposal made by the speaker of Dem. [XVII] (§30), 'to go to war against those who had transgressed the Peace' (*πολεμεῖν τοῖς παραβεβηκόσιν*), but in the terms used by Thucydides to describe the ending of the Thirty Years Peace and the outbreak of the Peloponnesian War (1. 23. 6 *λύσαντες τὰς σπονδὰς ἐς τὸν πόλεμον κατέστησαν*),<sup>22</sup> or for that matter by Diodorus in describing the commencement of the Decelean War (XIII. 8. 8; cf. XVI. 77. 2).

One is told, of course, that the decree was no more than a declaration that Sparta had broken the Peace, that the King's Peace continued.<sup>23</sup> That was not however how Diodorus understood what had happened. In 375 he reported the King as demanding of the Greeks not a return to an existing peace, but the *making* of a Common Peace (XV. 38. 1 *κοινὴν εἰρήνην συνθέσθαι*), and it is naïve to argue that, because Athens took pains in 377 in the Decree of Aristotle to exclude from membership of the Confederacy the Greek cities of Asia and to assert her intention to respect the principle of freedom and autonomy for all, she must be considered to have regarded the King's Peace as still in force. It was in her interest in no way to arouse the King by giving him to fear that Athens intended to return to the policy she followed before 387/6. Persia had to be assured that the spirit of the King's Peace flourished though in the letter it was dead. Diodorus' words mean what they say. 'The Peace was dissolved'; the King may take note that the dissolution was 'due to the Spartans'; but the declaration was plain – *λελύσθαι τὰς σπονδὰς*. The Thebans later put the point clearly to the Plataeans (Paus. 9. 1. 5). (It should be unnecessary to add that the supplementation of Accame of lines 12–14 of the Decree of Aristotle which suggest that the King's Peace was still in force in March 377 is not evidence; not only is the supplementation dubitable; even the readings of the marks on the stone are not certainly to be interpreted.)

The consequence of the declaration that the Peace had been dissolved was that the

<sup>20</sup> cf. Sinclair, art. cit. p. 32 n. 13 for the evidence.

<sup>21</sup> See n. 18.

<sup>22</sup> cf. Thuc. 1. 78. 4, 1. 88, 4. 23. 1.

<sup>23</sup> Sinclair, art. cit. pp. 52 f.; Lewis, op. cit. p. 147 n. 80.

Athenians put gates on the Piraeus and got on with building ships, and in view of the specific dissolution of armaments, reported by Xenophon in 372/1 to provide the background to the debate that shortly followed in Sparta, it seems a not intolerable leap to suppose that the Peace had forbidden such actions. It is in no way surprising that Persia should have been especially interested in Athenian naval power. It had been the operations of the Athenian navy after 392 which had brought Persia and Sparta together, and the King had to be sure that Athens would not be able to resume her policy. A ban on shipbuilding was wholly in Persian interests, and the removal of the gates of the Piraeus would be a pledge that the Athenians could be seen to be abstaining from shipbuilding, a pledge of slight value but perhaps in accordance with Persian notions.<sup>24</sup> In 392/1 Athens would have been free under the proposed peace to have as many ships as she wished (Andoc. III. 12). After Thrasybulus and Agyrrhius sterner measures were necessary; Athens might keep whatever ships she had, but she could not build new ships, since for effective naval operations new ships were constantly necessary.<sup>25</sup>

One may, therefore, postulate a specific demobilization clause in 387/6, though one can hardly go much further. When in 367 the King included in his Rescript a demand that 'the Athenians haul up their ships' (VII. i. 36 ἀνέλκειν τὰς ναῦς), he was perhaps requiring a return to 387/6, but it is unlikely that the use of the ships was entirely forbidden. Under the peace made at the end of the Peloponnesian War, Athens was permitted to keep twelve ships (II. ii. 20) and presumably to use them for peaceful purposes such as the transport of embassies.<sup>26</sup> So too under the King's Peace Athens, being allowed to retain her ancient cleruchies of Imbros, Lemnos and Scyros, presumably used her ships to transport the annual magistrates (*Ath. Pol.* 62. 2).<sup>27</sup> In any case she was free to contract alliances such as the Chian (*G.H.I.* 118) and to contemplate alliance with Olynthus (V. ii. 15) until Sparta had decided on war. Perhaps the position was that once Sparta did so decide, signatories to the Peace could only use their forces as long as Sparta was not engaged – a position similar to that prevailing within the Peloponnesian League itself (V. iv. 37). Which brings us to the thorny question of whether there was a sanctions clause in the King's Peace.

There was a sanctions clause in 372/1 (VI. iii. 18), and a different one in the Peace after Leuctra (VI. v. 2). It would appear that there was also one in the Peace of 375. 'The Lacedaemonians . . . made the peace on such terms (*pacem iis legibus constituerunt*) that the Athenians should be in command at sea (*mari duces essent*)' (Nepos, *Tim.* 2. 2) and this is to be understood in terms of a sanctions clause; for the only reasonable explanation of Nepos' statement is that he was reproducing from his source a reference to a sanctions clause. Now, while Philochorus' comment (F 151) encourages one to think that the King's Peace was 'similar' (*παράπλησιος*) in this major respect, it is also clear that 375 saw an important change (Isoc. XV. 109) and it is open to belief that this was not the modification of a sanctions clause but its institution. The Royal Rescript of 387/6 contained no hint of any provision for dealing with breaches of the Peace, merely a threat that the King would join in coercing whichever side in the

<sup>24</sup> cf. the proposal of Harpagus in 546 for Phocaea (Hdt. I. 164. 1). I suppose that Isocrates' remark (IV. 120) about the King 'all but establishing governors (*ἐπιστάθμους*) in the cities' may have been directed in part at the stipulation concerning the Piraeus.

<sup>25</sup> It is clear from Sinclair's discussion of Athenian naval strength (pp. 49 ff.) that there is no evidence that ships were built between 387/6 and 378. The institution of the new system of eischora in 378 (Polyb. II. 62, Dem. XXII. 44) made possible a resolute building programme.

<sup>26</sup> The affair of Demaenetus raised fears of Spartan reprisals, but the transport of the embassy of Hagnias was perhaps normal enough (*Hell. Oxy.* 6 and 7).

<sup>27</sup> Hence perhaps the ships of IG ii<sup>2</sup>. 30.



Corinthian War did not accept peace on his terms (V. i. 31 *ὁπότεροι δὲ ταύτην τὴν εἰρήνην μὴ δέχονται... κ.τ.λ.*). So it is possible to present an account of the operation of the King's Peace in which the King was content to leave the detailed application of the terms to Sparta who were thus able to 'exploit a settlement that was not too precisely defined'.<sup>28</sup> Thus it is argued that the Greek world, albeit well used to providing for the settlement of disputes by arbitration and for common action against aggressors, left these matters unprovided for in 387/6 partly because of 'the novelty of a *koine eirene*'. Is this correct?

When Isocrates (IV. 175 and 121) described the King as 'protector of the peace' (*φύλαξ τῆς εἰρήνης*) and 'master of the present state of affairs' (*τῶν παρόντων πραγμάτων*), it is not clear that he was not merely describing the *de facto* position. But a representative of the King swore to the Peace as the Chios decree (*G.H.I.* 118) shows – just as in 372/1 Dionysius of Halicarnassus (*Lysias* 12), in all probability citing Philochorus,<sup>29</sup> spoke of 'the Athenians, the Spartans and the King swearing to the peace'. More than that, it would appear that the oaths were made 'to the King'. When the Thebans sought to force through a peace in 367, the Corinthians objected that they had no need of 'oaths for all made to the King' (VII. i. 40 *πρὸς βασιλέα κοινῶν ὄρκων*), and that this was how the oaths of 387/6 were made is suggested by the description of the King's Peace given in Arrian (*Anab.* II. i. 4), albeit with the name of the wrong King; the Mytilenaeans were bidden 'to destroy their treaty with Alexander and be allies with Darius in accordance with the peace which was made in the time of Antalcidas with (πρὸς) King Darius'. Although Arrian is hardly to be relied on for exact use of technical terms, one of his sources conceived of the King being central to the King's Peace, and it is to be noted that Pausanias (9. 1. 4) used the same phrase (*ἐπὶ τῆς εἰρήνης ἦν πρὸς βασιλέα τῶν Περσῶν γενέσθαι τοῖς Ἕλλησιν ἔπραξεν Ἀνταλκίδας*).<sup>30</sup> So the role of the King was somehow central in 387/6 just as it was to have been in 367.

Did the King then have a military role? Isocrates (IV. 128) spoke of the Spartans 'having made alliance for ever with the barbarians' (*πρὸς τοὺς βαρβάρους εἰς ἅπαντα τὸν χρόνον συμμαχίαν πεποιημένους*), and alliance meant for the Greeks, literally, joint military action. So royal military intervention must have been envisaged. But in all the cases of Spartan action known to us from the years succeeding the King's Peace there is never any question of appeal to the King nor fear expressed of royal intervention. Sparta, in theory or in fact, was the active military power and no appeal was made against her. In so far as royal military intervention was possible, it must have been as a last resort, and the normal method of enforcing the peace was by Spartan action.

But was the Spartan role formalized? Xenophon spoke of the Spartans becoming '*prostatai*' of the King's Peace (V. i. 36).<sup>31</sup> Did this statement reflect a sanctions clause giving the Spartans the task of dealing with breaches of the Peace? The Acanthian appeal for the protection of their autonomy (V. ii. 12–19) might be interpreted

<sup>28</sup> Sinclair, art. cit. p. 37.

<sup>29</sup> cf. F. Jacoby, *FGrH* iii b 1, p. 239.

<sup>30</sup> cf. the designation in Diod. XIV. 117. 8.

<sup>31</sup> Lewis, op. cit. p. 147 n. 80 professes himself 'wholly resistant' to my revival of 'the old view that the Spartans were actually named in a document as the *προστάται* of the Peace'. I do not follow his reasoning, but I should make clear that I am not claiming that the word *προστάται* was necessarily used in the Peace. That may well be Xenophon's version (cf. Martin, *MH* 1 (1944), 24 n. 17) of a clause that contained such a phrase as *εἰ δέ τις παρὰ ταῦτα ποιοίη, τοὺς Λακεδαιμονίους βοηθεῖν ταῖς ἀδικουμέναις πόλεσι* (cf. VI. iii. 18), or *v.i. τοὺς Λακεδαιμονίους καὶ τοὺς συμμαχοὺς κ.τ.λ.*

consistently with either answer to this question. The case of Mantinea is more suggestive. When the Spartans attacked Mantinea, the Mantineans appealed to Athens for help, but the Athenians did not choose 'to transgress the common treaty' (Diod. XV. 5. 5). This was a curious view for anyone to take, if it was Sparta who was the transgressor. The Spartans even denied, according to Polybius (IV. 27. 6), that their action was unjust. There may, therefore, have been more of a legalistic wrangle about the action at Mantinea than meets the eye of the reader of Xenophon, but if indeed the Athenians refused 'to transgress the common treaty' it may be that Sparta was formally empowered to act as she did.

This is of course no more than a possible interpretation, but there is one aspect of the Spartan actions that needs to be considered. Xenophon presents the debate about the Acanthian appeal as taking place in the Peloponnesian League (V. ii. 11, 18), which is natural enough; if Sparta was to act, she needed the military power of the League effectively to do so, and Sparta's enmities involved those who had sworn 'to think the same persons friends and enemies'. Thus the action at Phlius, as that at Olynthus, was undertaken by the League (V. ii. 20 ff. and iii. 25). Nor should one suppose that the League was not regularly involved, because Xenophon gives no hint of other than Spartan troops engaged against Mantinea; there certainly were Thebans involved (Paus. 9. 13. 1, Plut. *Pel.* 4), and there may well have been members of the Peloponnesian League. The trial of Ismenias was conducted by a court composed of representatives of the League (V. ii. 35). So a formal 'protectorate' may have been assigned to 'Sparta and her allies'. But others, not members of the League, were on occasion involved, and they may give some backing to the hypothesis of a sanctions clause.

In the Peace of 372/1 it was stated that 'if anyone contravenes these terms, those who wish are to give aid to the cities being unjustly treated, but it is not required by the oaths that those who do not wish to do so should fight side by side with the wronged party' (VI. iii. 18). This has been commonly regarded as an innovation to allow the Athenians to stand apart from the coming struggle.<sup>32</sup> But is this interpretation correct? The notion of 'volunteers' has become familiar (and odious) in the modern world. Was it there even in 387/6? When Agesipolis went out to Thrace in 381, 'volunteers joined in the campaign from the allied cities, and Thessalian cavalrymen wishing to make themselves known to Agesipolis' (V. iii. 9). He did not take a League army. All that Sparta formally sent was a board of thirty Spartiates; the rest were volunteers. So the financial contribution of Phlius (§10) was also voluntary (to be converted presumably on the formula of V. ii. 21). Was all this in accordance with a sanctions clause? If it were, it would illuminate what happened at Thebes in 382. The Thebans may have broken the King's Peace doubly. Not only had they continued to negotiate alliance with Olynthus after Sparta had declared war (V. ii. 34), but also a proclamation had been made that 'no Theban was to join with Phoebidas in the campaign against the Olynthians' (V. ii. 27). That perhaps was why Leontiades arrested Ismenias 'on the grounds that he was causing a war' (V. ii. 30 *ὡς πολεμοποιούντα*), which was curious if the Olynthian alliance was not yet made (V. ii. 34) and all that the proclamation had secured was that no Theban would take part in the war. If the 'volunteers' clause of 372/1 was in a sanctions clause of 387/6, what happened with Phoebidas and Agesipolis acquires new meaning – as too with Teutias. He took the full Peloponnesian army originally voted (V. ii. 20 and 37), but Thebes was not a member of the Peloponnesian League, for refusal to undertake

<sup>32</sup> cf. Ryder, *op. cit.* p. 68.

her due part was not the charge made in 382 (cf. V. ii. 34). Thebes did however eagerly send 'both hoplites and cavalry' with Teleutias (V. ii. 37), again perhaps 'volunteers'. (Her reasons were manifest, but Thebes was not a member of the Peloponnesian League after the occupation of the Cadmea, as far as we know, and had no place in the League call-up.)<sup>33</sup>

The hypothesis of a sanctions clause finally rests on one's estimate of the probabilities. The King's Peace involved not just the contending parties in the Corinthian War, but all the Greeks.<sup>34</sup> They knew too much not to expect that there would be disputes and breaches real or alleged. It seems therefore on the whole unlikely that the whole Greek world joined in a general peace without requiring some machinery for dealing with not only arbitration but also transgressions. That is, however, a matter of judgement.

One can have little hope that such speculations – which go far beyond what is explicitly attested – will find general sympathy. In producing them, I protest against the presumption that it is safest to stick with Xenophon. There is no safety with Xenophon. He is, as we all know, a most unreliable guide, though perhaps the best comment on his silences is silence. But I cannot refrain from remarking on one zone of Xenophonic silence. Not only are his formal notices of the King's Peace and its renewals notoriously deficient, but also it is striking how little the King's Peace emerges in his discussion of Spartan policy. Whether Sparta had a formally prescribed role in enforcing the Peace or not, it is remarkable that the Acanthians are never made to argue, as they so reasonably could have done, that Olynthus was breaking the King's Peace. There were two views of Olynthian policy. The Ephoran view represented in Diodorus (XV. 19) was that Olynthus was at war with Amyntas, and that the war was nothing to do with Sparta. The other view represented by Xenophon was that Olynthus was menacing the autonomy of her neighbours (V. ii. 13 f.), which would have been a breach of the King's Peace. But all the Acanthians are made to say is that they 'wish to enjoy their ancestral constitutions and be citizens of their own city', no express appeal to the Peace or to the oaths which sealed it. Likewise, when Timotheus landed the Zacynthian exiles on Zacynthus (VI. ii. 2), he acted either in breach of or in accordance with the renewed peace, but Xenophon makes no comment. Likewise, in describing the position of Sparta on the eve of the Liberation of Thebes, the Argives are declared 'to have been humbled because the intercalation of the months was no longer of use to them' (V. iii. 27), which is a most curious way of indicating the curtailment of Argive power and ambition under the King's Peace. He also slides past the negotiations that preluded the attack on Mantinea (V. ii. 1 f.). One would have liked to know what the Spartan ambassadors (cf. Diod. XV. 5. 4) said to the Mantineans and got in reply. Xenophon gives as background the (inaccurate) claim that the expiry 'this year' of the thirty-year peace of 418/17 gave Sparta the freedom to act, and spares us discussion of whether she acted in breach or enforcement of the Peace. That there was a legal case is suggested, as already remarked, by the Athenian

<sup>33</sup> According to Isocrates (XIV. 27), the Thebans 'entered into the Spartan alliance when you were bringing (or 'brought') the war to a conclusion'. Whatever the correct reading, it ought to relate to the period immediately before the King's Peace; after it, the Thebans could hardly be said to have abandoned the Athenians. Isocrates goes on to say that the Chians, Mytilenaeans and Byzantians remained with us (*συμπαρέμειναν*), which in view of the Chian alliance of 384 supports the idea that he is speaking of the closing phases of the Corinthian War. Why then were there Thebans at Mantinea in 385 (v.s.)? Perhaps those who were sent were 'volunteers', including Epaminondas and Pelopidas eager for experience of war.

<sup>34</sup> cf. Martin, *MH* 1 (1944), 25 f. Aelius Aristides *Panath.* 172 (= i. 282 Dind.) suggests that Seuthes and Dionysius were parties to the Peace.

response to the Mantinean appeal (Diod. XV. 5. 5) and by the comment of Polybius (IV. 27. 6) to the effect that the Spartans maintained that they were not in the wrong. Of course, one does not have to look far into the past to realize that those who have the confidence to suppress their neighbours are generally not diffident in advancing legal justifications. Still, one would have liked to know exactly what the position of Mantinea under the King's Peace was. Agesilaus used the Peace to break up the Boeotian Confederacy, as Xenophon explains (V. i. 32 f.). He probably used it to break up the Chalcidian state, though Xenophon does not explain.<sup>35</sup> When the Peace was made, he knew perfectly well about the complaints against Mantinea (V. ii. 2); he had himself in 390 chosen to pass the city in darkness to prevent his soldiers having to suffer the Mantineans' delight at the disaster at Lechaeum. Why then did he not use the Peace to break up Mantinea in 386? What use did the Mantineans make of the fact that he did not, when it came to the order of 385? Xenophon does not say.

Why such silence? One explanation presents itself. This is just another facet of the loathing and contempt Xenophon felt for trafficking with the hated Persian. Spartan power was not to be represented, as it truly was, as depending on the Great King's favour, and history had to be told as if the King's Peace was of no real importance.

University College, Oxford

G. L. CAWKWELL

#### APPENDIX: AN EXILES CLAUSE?

In *CQ* N.S. 23 (1973), 59 n. 1, I raised the question of whether anything was said about exiles in the King's Peace, and it may be convenient if I discuss it here more fully.

The method of this paper has been, generally, to inquire whether clauses of renewals of the King's Peace were innovations or survivals. There is no clear evidence that there was an exiles clause in any of the renewals, though there is a suspicion of one in 375. In Xenophon's account (VI. ii. 2 ff.), two of the Athenian ambassadors to Sparta went directly thence to instruct Timotheus to sail home; on his way home he 'landed the exiles of the Zacynthians on their land'; the Zacynthians from the city sent to Sparta and reported 'what sort of things they had suffered at the hands of Timotheus', and the prompt reaction of the Spartans was to 'think the Athenians were in the wrong (*ἀδίκηειν*)' and to prepare a fleet, etc. This evidence seems two-edged. Why did Timotheus land the exiles? The Peace required it. Why did the Zacynthians from the city protest to Sparta? The Peace did not require it, and it could be represented as a breach.

Timotheus was greatly honoured for his services to Athens in 375 (Nepos, *Tim.* 2. 3). No trace survives in our sources of criticism of his action in Zacynthus, as it does, for instance, in the case of Chabrias after his victory at the battle of Naxos (Dem. XX. 146). Indeed Isocrates declared in his encomium of Timotheus that he was the only general Isocrates could recall 'who had never given the Greeks grounds for complaint against the city', 'constantly acting with rectitude and good sense' (XV. 127 f.). Unfortunately, encomia do not necessarily tell the complete truth, but on the face of it the explanation of Timotheus' landing the Zacynthian exiles could well be that he

<sup>35</sup> The things the Acanthians complained of were probably enough features of the Chalcidian state of 432, of which Sparta resumed recognition after the Peace of Nicias (Thuc. 5. 80. 2 and cf. 6. 7. 4). Cf. M. Zahrnt, *Olynth und die Chalkidier*, pp. 73 ff. But the Chalcidians joined the Grand Alliance of the Corinthian War (Diod. XIV. 82. 3) and according to Isaeus 5. 46 'Olynthians' fought – not to be rejected (*pace* Zahrnt p. 81 and n. 3) on the grounds of Xenophon's failure to mention them. The likely moment for dissolution would seem therefore to be in 387/6.

was honouring one of the terms of the Peace. After all, it would have been the wildest folly to endanger the newly fashioned peace by a palpable, if minor, breach of it. Why then did the Zacynthians protest to Sparta (VI. ii. 3), and the Spartans to Athens (Diod. XV. 45. 3)? It would seem from Diodorus' (albeit muddled) account (XV. 45. 3 and 46. 3) that the exiles maintained themselves in a fort and did not return to the city of Zacynthus, and the dispute may have been over the propriety of Timotheus landing an armed band of exiles, not all of whom were perhaps free of the taint of blood-guilt which would exclude them from the city even if the Peace had ordered the return of exiles. However, this seems a rather laboured explanation. Timotheus might simply have claimed that the exiles had a right to live in their own land, a claim upheld by the Athenians and rejected by the Spartans. Indeed, if one could be confident that the confusions that fell on the Peloponnese as described by Diodorus (XV. 40) were rightly placed by him after the Peace of 375, it would be clear that there was in that Peace no exiles clause; the Corinthian exiles (§3) had clearly been brought into the city unbeknown to many Corinthians, i.e. had not made a formal and authorized return. However, despite Diodorus' explicit dissociation of Ch. 40 from what immediately precedes it, one cannot feel great confidence that Diodorus has associated the chapter with the right Peace.<sup>1</sup> So the position with regard to the Peace of 375 remains unclear, and the King's Peace must be considered in isolation.

What then of 387/6? One of the consequences of the Peace, according to Isocrates in the *Panegyric* (§116), is a great increase of internal strife, and 'because of the frequency of the changes those who inhabit the cities live in a more depressed state (*ἀθυμοτέρως*) than those punished with exile (*τῶν ταῖς φυγαῖς ἐξημωμένων*)'. Now there certainly were exiles after 386,<sup>2</sup> to whom Isocrates could be referring, but why should peace have brought internal strife? Was it because the Peace had required the return of exiles? In the *Hellenica* (V. i. 34) it would seem that the return of the exiles to Corinth followed automatically on the withdrawal of the Argive garrison and the party guilty of the murders of 392 – at any rate they were not recalled but, simply, received back (*κατεδέχοντο*). Then in the *Agésilas* (II. 21) Agesilaus is said to have 'spoken against' (*ἀντείπε*) the peace, until he compelled Corinth and Thebes to receive back home those of their citizens who were in exile because of the Spartans, which seems to refer to a period before the peace was sworn, i.e. whilst terms were being settled, not to the events at Corinth after the Peace had been sworn (V. i. 34). So there is, *prima facie*, a case for postulating an exiles clause in the King's Peace.

There are two obstacles. The first, which is minor, concerns the notice in the 'Atthidographer' Istros (*FGrH* 334F 32) concerning the exile of Xenophon, to the effect that the same man, Eubulus, moved both the decree of exile and the decree of recall. But if Istros really did know of a decree of someone called Eubulus concerning Xenophon's recall (and was not merely recording a tradition that gave concrete expression to the well-known sympathy between Xenophon and the great Eubulus), it may have been a decree not of recall for an exile, but of invitation to the father of a gallant son, and Xenophon may have been long free to return but unwilling to do so; hence a decree which Istros misunderstood. The authority of Istros is so much in question that the fragment, unsupported, is no great obstacle.<sup>3</sup> The history of the Phliasian exiles, however, is a very great obstacle indeed.

<sup>1</sup> The introduction to ch. 40 may simply be intended to carry the reader back to the end of ch. 38.

<sup>2</sup> cf. *IG* ii<sup>2</sup>. 33, 37 and Aelius Aristides *Panath.* 172 f. (= i. 283 Dind.).

<sup>3</sup> There is a curious parallel in the case of Thucydides. Cf. Thuc. 5. 26. 5, Paus. 1. 25. 9 and Marcellinus *Vita* 32.

It is not clear when exactly the Phliasian exiles made their appeal to Sparta (V. ii. 8) for, although Xenophon may not necessarily mean that the appeal followed the settlement of Mantinea rather than occurred during the long-drawn intervention, it seems safe to suppose that the Phliasian exiles' appeal did not precede the start of the Mantinean campaign (V. ii. 1 *πρώτον*, Diod. XV. 5. 3), which was itself not until 385.<sup>4</sup> So if the exiles took over a year to appeal to Sparta for their restoration, they cannot have been basing their appeal on an exiles clause in the King's Peace. This may be decisive against the hypothesis of such a clause..

However, exiles clause or not, there is a difficulty about these exiles. It seems clear from Xenophon's ordering of the narrative that the restoration of the exiles to Phlius at the very latest preceded the despatch of Phoebidas to Olynthus, which was in midsummer 382, and that the appeal of the exiles for Spartan help in the settlement of legal claims followed the despatch of Agesipolis to Thrace (cf. V. iii. 10), which was 'in May or June' 381.<sup>5</sup> So for at least ten months the exiles had tried to secure satisfactory settlement, which is a very long time in Greek politics and demands explanation. The only one that seems to me likely is in terms of Spartan politics. When Phoebidas went out to Thrace, he could be suspected of acting under Agesilaus' orders (Plut. *Ages.* 24. 1); clearly he was very much Agesilaus' man. The despatch of Agesipolis in 381 argues perhaps some loss of credit by Agesilaus, and it is possible that the exiles felt there was no use in appealing to Sparta when Agesilaus was for the moment under something of a cloud; when Agesipolis left the city, their hopes began to rise and they appealed, successfully, to their patron, Agesilaus (V. iii. 10 ff.). (Xenophon's introduction to the appeal obscures the fact that there was no change in 381 in the wrangle between the city of Phlius and the exiles; the real change was that the city's patron was abroad and the exiles' patron in a position unchecked to have his way.) Why then had the exiles not appealed to Sparta earlier when Agesipolis was still at home? Their case, as represented by Xenophon, seems reasonable enough; if the leading men of Phlius in the period before the King's Peace had indeed been the chief beneficiaries of the confiscation of exiles' property, independent arbitration of disputes was not a lot to ask. Was it only Agesilaus who could see the reasonableness of such a course? It may be that Agesipolis was prepared to support the leaders of the Phliasian democracy through thick and thin, but it seems more consistent with the reputation of one whose 'virtue Hellas is one in sounding forth' (*G.H.I.* 120) to suppose that the exiles' demand for independent arbitration was not as just as Xenophon would have us believe. Much of their property they would have recovered; the promise of arbitration had never been intended to involve independent outsiders (V. ii. 10), and the position adopted by the city *vis à vis* the exiles was not unjust.<sup>6</sup> Agesipolis knew it. The exiles knew he knew it. Only when he had left Sparta and Agesilaus could again have his way, did the exiles make their appeal.

But if the politics of Sparta explain the interval between the exiles' return and their appeal to Sparta, perhaps they also explain the interval between the King's Peace and the return. The circumstances in which the exiles had originally had to leave Phlius are unknown, but it is notable that Xenophon appears not to have thought it was for mere laconizing (cf. IV. iv. 15 *τοὺς φάσκοντας ἐπὶ λακωνισμῷ φεύγειν*) and, when the Spartans requested Phlius to allow them to return, they gave two grounds for the

<sup>4</sup> K. J. Beloch, *GrGes* iii. 2<sup>a</sup>, pp. 230 ff.

<sup>5</sup> *ibid.*

<sup>6</sup> Although foreign arbitration between factions had had a long history (cf. Busolt-Swoboda, *GS* i. 375), the Phliasian exiles had no right to claim it if it had not been provided for in the decree of recall, as it was for instance at Tegea in 324 B.C. (*G.H.I.* 202 l. 24).

request, first that the exiles were pro-Spartan, secondly that they were in exile, although they were in no way in the wrong (V. ii. 9 ἀδικοῦντες οὐδὲν φεύγοιεν). The possibility, therefore, arises that they had originally been exiled in the belief that they were either 'murderers' or 'accomplices to the murder' in the phrase Xenophon applied to the Corinthians (V. i. 34). As such they could not return, exiles clause in the Peace or not, and so the Spartans accepted, until Agesilaus exerted himself and secured their return.

Thus the obstacle presented by the Phliasian exiles may be more apparent than real. But there is no way of knowing and, since there is no clear sign that there was an exiles clause in any of the renewals of the King's Peace, I do not suppose that any such clause existed. However, one parting shot on the subject of exiles may be allowed. When the pro-Argos faction and the leaders of the *demos* at Mantinea surrendered, their opponents, the 'best men', could scarcely keep their hands off them (V. ii. 6), and one has the impression that they were in exile and fighting with the Spartan army. Yet Diodorus explains the Spartan attack on Mantinea in terms of exiles made after the King's Peace (XV. 5. 1 ff.). The passage does not seem to suit any of the cases known to us, but if it were the case that the Spartan attack on Mantinea grew out of the exile of the 'best men', either these 'best men' were in Mantinea before 387/6 and had survived unscathed, or they had returned to Mantinea in the shadow of the King's Peace. If there was an exiles clause, it could require that exiles be received home but, assuring autonomy, the Peace could not prevent exile afterwards. The matter might, however, permit of debate, and the Spartans claim legality (Polyb. IV. 27. 6).